

**REMARKS**

Claims 1, 5-21, 24-25 and 27-35 are pending in this application. Claims 1, 5-8, 24 and 28 are amended; and claims 2-4, 22-23 and 26 are canceled. Applicant has submitted this Amendment with a Request for Continued Examination (RCE).

Applicants appreciate the courtesies shown to Applicants' representatives by Examiner Vo in the November 1, 2006 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks. Specifically, claims 1, 5 and 24 are amended to comply with the Examiner's helpful suggestions made during the interview.

**I. Section 102 Rejection**

The Office Action rejects claims 24-28 under 35 U.S.C. §102(b) over Tsuchii (U.S. Patent No. 6,398,353). Applicant traverses this rejection.

**A. Independent Claim 24**

Referencing Fig. 1 of Tsuchii, the Office Action identifies the bubble chamber as the portion of the free fluid reservoir 3 above the ink 13. Applicant has amended independent claim 24 to recite a fluid container having the feature of a negative resistance material containing chamber being located between the free fluid reservoir and the bubble chamber. An example of this feature is shown in Fig. 3A.

As agreed during the interview, Tsuchii does not teach a fluid container having a negative resistance material containing chamber being located between the free fluid reservoir and the bubble chamber. For at least this reason, the rejection of amended independent claim 24 under §102 must be withdrawn. The rejections of claims 25 and 27 should be withdrawn because of the dependency of these claims to allowable independent claims 24, as well as additional features these dependent claims recite.

**B. Independent Claim 28**

Claim 28, as amended, recites the features of (i) "locating a fluid delivery port directly beneath more than half of both the free fluid reservoir and the negative pressure material chamber, such that the same fluid delivery port extends beneath more than half of the free fluid reservoir and more than half of the negative pressure material chamber;" and (ii) "delivering fluid from the cartridge only through a portion of the ink delivery port that is beneath the free fluid reservoir."

In rejecting this claim, the Office Action relies on Fig. 10 of the Tsuchii reference based on an assertion that Fig. 10 discloses the feature of "delivering fluid from the cartridge only through a portion of the ink delivery port that is beneath the free fluid reservoir."

Applicants respectfully submit that Fig. 10 of Tsuchii does not disclose the following feature of claim 28: "locating a fluid delivery port directly beneath more than half of both the free fluid reservoir and the negative pressure material chamber, such that the same fluid delivery port extends beneath more than half of the free fluid reservoir and more than half of the negative pressure material chamber." For at least this reason, the rejection of amended independent claim 28 under §102 must be withdrawn. The rejections of claims 29-31 should be withdrawn because of the dependency of these claims to allowable independent claims 28, as well as additional features these dependent claims recite.

**II. Section 103 Rejections**

The Office Action rejects claims 1-9, 12-21, and 29-30 under 35 U.S.C. §103(a) over Tsuchii in view of Dowell et al. (U.S. Patent No. 6,773,097) (Dowell); and rejects claims 10-11 and 31 under 35 U.S.C. §103(a) over Tsuchii in view of Dowell in further view of Hayashi et al. (U.S. Patent No. 6,698,871) (Hayashi). Applicants traverse these rejections. Applicants have amended independent claims 1 and 5 to recite a fluid container having the feature of a negative pressure medium containing chamber that is separated from the filter to maintain a

space between the filter and the negative pressure medium. Fig. 9A of Tsuchii teaches an embodiment of a fluid container described at col. 11, lines 45-49, wherein the "negative pressure generating member 6 is locally in contact with a filter 9" (emphasis added). Tsuchii the negative pressure generating member 6 being in contact with, not separated from the filter 9 by element 35. Tsuchii does not teach a fluid container having the feature of a negative pressure medium containing chamber that is separated from the filter to maintain a space between the filter and the negative pressure medium. The other cited references, Dowell and Hayashi, do not overcome the deficiencies of the Tsuchii reference. For at least this reason, the rejection of amended independent claims 1 and 5 under §103 must be withdrawn.

The rejections of claims 6-21 should be withdrawn because of the dependency of these claims to allowable independent claims 1, as well as the additional features these dependent claims recite.

### **III. New Claims**

The Office Action asserts that Figs. 9A and 9B of Tsuchii teaches a capillary element or rib. However, as discussed above, Figs. 9A and 9B teach the use of member 35 having a centrally located rectangular opening 37 that allows the negative pressure generating member 6 to be in contact with a filter 9.<sup>1</sup> Tsuchii does not disclose the use of one or more capillary elements as described on page 10 of the application. For this reason, Applicants respectfully submit that new claims 32-35 are in condition for allowance. Please note that the subject matter of these claims corresponds to the subject matter of former claims 17-20.

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<sup>1</sup> This is described in the Tsuchii reference at col. 11, lines 57-61 as "The member 35 for receiving the negative pressure generating member is provided with a framed opening portion 37 on the central portion thereof. This member is installed on the filter 9 as shown in Fig. 9A. Then, the negative pressure generating member 6 is received on it."

**IV. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 5-21, 24-25 and 27-35 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Date: December 1, 2006

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